

**TOWN OF SUPERIOR
PLANNING AND ZONING COMMISSION MEETING
THURSDAY, JANUARY 15, 2015, 6:00 PM
MINUTES**

CALL TO ORDER

Chairman Matt Mashaw called meeting to order at 6:07 pm

PLEDGE OF ALLEGIANCE

Chairman Matt Mashaw led Commission Members, Staff and audience in the Pledge of Allegiance

INVOCATION

Commissioner Armitage led everyone in attendance in the invocation.

ROLL CALL

Chairman	Matt Mashaw
Co-Chairman	Joy Eveland-Excused
Commissioner	Bruce Armitage
Commissioner	James Bordenave-Absent
Commissioner	Sherry Figdore
Commissioner	Sandra Doyle
Commissioner	Gina Lopez

STAFF IN ATTENDANCE

Town Manager	Margaret Gaston
P&Z Administrator	Lawrence Tomasello
Staff	Nora Miramon
Administration	Ruby Cervantes

PUBLIC ATTENDANCE

Kathy Long	Tom Spridgen
Nancy Vogler	Bill Vogler
Rick Cartier	Steve Estatico
Sonnie Sansom	Hank Gutierrez
Leslie Martin	Tina Gutierrez
Deborah Kay	Jenny Holmquist
Janina Gawler	Chris Anderson
Andrew Taplin	Roy C. Chavez
Pete Casillas	Pam Rabago
Sue Anderson	Jayne Valenzuela
John Tameron	Mila Besich-Lira
Henry Munoz	Judith Nelson

CONSENT AGENDA

Chairman Matt Mashaw asked the board if there were any questions or changes regarding the minutes on December 18, 2014. There was a correction request from Commissioner Bruce Armitage. Correction noted.

Motion to approve the December 18, 2014 minutes with the corrections, made by Commissioner Lopez, second by Commissioner Doyle, motion carries.

NEW BUSINESS/ PUBLIC HEARING

Mr. Tomasello- Staff report. At the last Commission meeting staff was directed to review the Town Center (TC) Zone District and recommend proposed changes for tonight's meeting. In the staff report, wording that is struck thru is proposed to be eliminated, bold italicized print is for new wording, and all other wording is left unchanged.

The proposed changes are divided into three sections:

1. The first issue dealt with Administration where the Town Center Review Committee is placed in a reserve status and all wording for that Committee was being eliminated. If the Town were to establish a historic district, the Committee could be reactivated.

2. The second issue dealt with the TC Zone District. Some of the major changes are as follows:

(a) Any alterations to the exterior of a building, any new construction, or changes in the outside area would require an approved conditional use permit prior to issuance of a Final Permit or a Certificate of Occupancy. This would allow the public, through the public hearing process, an opportunity to speak either for or against a proposed project.

(b) If someone wishes to establish a use in the TC Zone District that is not currently listed, then the Planning and Zoning Commission would determine if that use should be approved, conditionally approved or prohibited. Any challenge to the Commission's decision can be appealed to the Town Council.

(c) In Table No. 4, the minimum lot size for commercial property in the TC Zone District would be 3,000 sq. feet, a minimum rear yard setback of 20 feet, and 100% lot coverage excluding easements and the 20 feet rear yard setback area. For residential properties in the TC Zone District, the minimum lot size would be 5,000 sq. ft.

(d) Since there is no Historic District in the Town, the provisions to be consistent with the Secretary of the Interior's Standards for Restoration, Preservation, and Rehabilitation were eliminated. It was stated that each individual project that applies for Historic recognition would have to meet all those standards to be successful.

3. The third issue dealt with parking provisions. It was stated that in the TC Zone District, it was almost impossible to approve projects because of the overly restrictive parking regulations in the existing Code.

There were several changes in existing regulations and introduction of Section 14.6 (Modified Parking Requirements) and Section 14.7 (Shared Parking Provisions). Gross Floor Area in Table 8 was changed to Usable Floor Area meaning the number of parking spaces to be provided would apply to the usable area of a building, excluding bathrooms, storage areas, hallways, and so on. There was also a brief discussion on permitting compact parking spaces up to 50% of the required parking and a 30% reduction for parking in the TC Zone District. Other items were also discussed but there was no Commission discussion about them.

Chairman Matt Mashaw went on to next agenda item which was call to the public.

CALL TO THE PUBLIC

Nancy Vogel- She wanted to speak from her heart and what she feels about all of this. She said the reason people move to this Town and visit and shop here is because of the Historic Downtown Area. We do not want it to look like every other place. We want it to have that old unique flavor. The sign as you come into the downtown by Hwy 60 says Welcome to Historic Downtown. Now if we do not have a historic downtown she doesn't believe we will have very many visitors.

Rick Cartier- He wanted to talk on the residential side. He bought a home here in Superior which has had 4 remodels on it. When he went to get a permit at Pinal County he was told he needed to go talk to Margaret. He saw Margaret and gave her all the information he had given to the County. When he got it back from Wildan he was told he had to meet all of the requirements. Nobody wanted to look at the property and if he had followed the rules, this project would have cost him way more money. This would have been a horrible business decision. Since then he locked and boarded it up. He said it will sit there and rot because he would be a fool to put the money into it so that it meets the requirements. He thought the requirements were stupid. This was going to be his winter home so now what was going to be a very nice house will be a vacant building.

In response Mr. Tomasello stated that the Code requires review of all projects in the TC Zone District by the Town Center Review Committee. Since there is no such Committee, the Planning and Zoning Commission acts in that capacity. He said that any changes in existing buildings or new projects would require a hearing before the Planning and Zoning Commission.

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He further stated that this gentleman would submit a proposal to the Town and have the Commission act upon it. He also said that with the existing Code, it would be quite difficult to meet the existing requirements and that's why the proposed changes to the Code are before the Commission tonight.

Commission Member Bruce Armitage-Just for clarification, Section 2.3 (Town Center Review Committee) would be eliminated?

Mr. Tomasello- Yes, it would be stricken from the Code and placed in a "Reserve Status." The Planning and Zoning Committee will be acting as a design review committee at that point to make a determination if projects are compatible with where the Town wants to go.

Mr. Roy Chavez interjected. He believes there is no other building that has applied for that designation of being a Historic Building other than the Magma Hotel. There was brief discussion on this topic with a consensus that meeting the requirements of the Secretary of the Interior's standards for restoration, preservation, and rehabilitation would be done on an individual basis, and not be a part of the zoning ordinance.

Sonnie Sansom-He is here protesting this meeting as a whole because it was not properly posted on the web site. He asked if the Commission didn't think it would be a lot more meaningful if the people would have the same information that they have. He said not everyone has the Code book, so we cannot compare what the changes are. The other thing is the parking issue in the Town Center.

Why don't we just eliminate it? It was already taken care of and the buildings are already built. He does not understand why the Commission is making all of these changes when they don't even have a plan.

Mr. Tomasello's response- First of all it was legally advertised and was posted in the Town Hall. Anyone who is interested in looking at the Code can go to the Town Hall and ask Margaret or Nora to see it and any proposed changes. That information is available to anyone and who wants to see it. Second of all the standards that exist today in the parking regulations are pretty much what prohibits any new development from occurring in the TC Zone District. That is the main reason why these changes are being proposed.

Sonnie Sansom's rebuttal- You claim this is legally advertised. I went to the Towns Open Meeting Law and in the first couple of paragraphs it states "must conspicuously post on their website". The only reason that there are all of these people here is because he sent them a copy of what was posted in the paper. That is how they know what is going on here, what is the big secret and what is the problem of putting this meeting on the web site.

Margaret Gaston, Town Manager- It is not required to post Planning and Zoning Commission Meetings on the web site it is only required to post Town Council Meetings on the web site.

Leslie Martin-This is just a tag on Sonnies' comments on open meeting law. Whether or not it is a part of the open meeting law, many of us are able to go to our computers, some of us get the paper, and others do come to Town Hall, so let's call it a courtesy if it could be posted on the web site so we could all see what is going on. I agree with what has been said here. She would like to see a Town Center Advisory Committee. Even if another form of government might slow things down. People in this Town have hundreds of thousands of dollars invested in this Town. None of us are municipal planners so she would love to see the Commission sit down with a municipal planner before one change is made here.

Sue Anderson- First of all she wanted to thank the Commission for the work they have done. She knows this is not an easy task. Main Street is the heart of our future. Instead of going in circles and changing codes she urges the Commission to stop changing things and issue a variance if you have to and keep things going. Stop and put together a 20 year plan of what we want our Main Street to look like. Things are happening right now on Main Street so please, please stop any changes and put together a plan.

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Debra Kay- She wants to support what Sue said. She bought a building and she has had a difficult time. When she went to Pinal County to get her sewer line in she was told she had to go to the Town to get the permit. The Town of Superior stated no that is Pinal County because it has to be inspected, it is just really confusing. So she totally agrees there needs to be a plan and she really wants to comply with what the codes are, but sometimes things are made so difficult.

Andrew Taplin- Resolution Copper currently has a presence on Main Street so they have a vested interest on how Downtown develops in time. They have interest in preserving historic value just as they have preserved and restored the old hospital and now it is used for offices. Resolution Copper is willing to help the Commission with long term, short term vision for the downtown area. Resolution Copper is available to have further discussion on this topic.

Pamala Rabago- She just wanted to state she appreciates all of the work the Commission is doing and Mr. Tomasello on all proposed changes. When she was on the Commission Board they were not allowed to meet and have workshops they were stopped by Administration, not just this one the ones before also.

Mr. Cartiers' house has been changed so much it would not meet any historical value. She walked Magma and Main Street with Shipper and he would probably come and tell the Commission which building is and is not of historical value. He would be able to tell you which ones are historical and you would have a list and those are the ones you want to follow the restoration rules. As far as the zoning she still believes we need to use the Bisbee Code. We have a problem and we will have a bigger problem when Hwy 60 comes in unless we are going to shut down the whole town. We need to allow people to park where they can park, and Town Hall needs to get some of their property and make those available for parking. The residential use in Town Center needs to remain. It may not be the conventional way and needs to be put back to C1. We are not like Mesa and other cities, but that is why people come to visit and move to Superior.

There was a brief discussion regarding the Roosevelt School property and using it for parking.

Hank Gutierrez- As far as the recommendation to do away with the Town Center Committee he does not agree with that. He does support putting the committee on reserve so someday it can be brought back. What we are really talking about is maintaining the Historical character of the downtown. One building that has been classified as a Historical building is the Magma Hotel. None of the other buildings in the downtown have been classified as historical buildings. The other thing that was talked about was residential uses in TC Zone District. The only residential uses that should be allowed are the residential houses that are already there. He supports that the only residences should be above or behind the business. There is some confusion where it in Section 8.1.A.8 it only allows a residence above the first floor or behind a business, yet in Section 8.1.A.11 it permits single family dwellings. He said he was in favor of striking Section 8.1.A.11. Mr. Tomasello agreed and also recommended that it be stricken from the Code. Another issue was available parking. It was brought up that the Town purchased the property where the old Fire Department was for parking. Instead, they chose to sell it for \$50,000.00. There was also discussion about having workshops to determine the future of the downtown area. Mr. Tomasello said he agrees with the idea of having workshops to determine how the Town should develop in the future and that if consensus were met, he would draft the standards up for a future zone change in the TC Zone District. He also stated that this should happen sooner and not later.

Pam Rabago - She would just like to remind the Commission that TC Zone District doesn't just include Main Street. It includes Lime Street, High School Avenue and the Post Office - it is not just Main Street. She feels the single family use needs to remain.

Question from the Commission to Mr. Tomasello: How many lots are on Main Street? Darrel Delbridge from Willdan, the Town's engineering firm, had the information and he stated there are 129 parcels.

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John Tameron- stated that back in the early 70's we started discussing this. He has seen this discussed and discussed and we are here today discussing this again. He does not know when this is ever going to end but he agrees we should have a plan. He purchased the property at 85 High School Avenue and he was going to have it torn down. When he went to Pinal County to look up the records on the property he found out the property was close to 100 years old. It will be 100 years old this year. To him that is a historical building. That was where the first school nurse lived so he left it. He has done some internal work but the structure is the same. He said that if we do not have a plan, we will never get anywhere.

Hank Gutierrez- When he was talking about Town Center and no new residential buildings, he was talking about Main Street. Also, you cannot compare parking back in the 70's to now. Now every household has two vehicles, when they come into town they bring both vehicles, and then you have the visitors.

Roy Chavez- This is a good thing, this discussion on updates and status. In the last meeting in December he was not looking for forgiveness. He was just looking for the same consideration that others have been given in the past. Everything that has been said today is possible. The rules are meant to be followed and they are also meant to be evaluated and updated and possibly changed. He submitted his plans in November. He is paying money every month because he is being penalized from the liquor control and they have been working with him because they know the situation.

Town Manager Ms. Gaston- She did send a letter to the Arizona Department of Liquor and License. She also did call and leave Mr. Chavez messages and a copy of the letter was left at the front desk.

Henry Munoz-The issue he sees that is happening and everyone is talking about is parking. Couple of weeks ago he went to Globe and he went to their theater and that was very nice. He happened to ask them about parking. He was told everyone parks on Main Street. This helps bring revenue to the businesses. The main thing we need to look at is generating revenue for this community. We need to use common sense. He thinks we have to put our heads together and come up with a simple solution and treat everyone the same. If we don't make it as simple as possible, we are going to scare people away and that is the last thing we want. Have we asked those individuals that have a business out of their homes if they have reported their taxes? That is revenue for the Town. So let's put our heads together so the Town can progress.

Leslie Martin- Please consider Mr. Taplin's gracious offer to assist the Commission.

Pam Rabago- She would also like to ask the Commission to please consider the generous offer from Resolution to participate in a workshop for the downtown. She believes the Town can work with Roy and maybe do a variance just like they did for the Magma Hotel. We do not need to hold him up. But please let's finally get a plan together.

Chairman Matt Mashaw- He is closing the Public Hearing at this time.

Mr. Tomasello- Regarding Chapter 8 (Town Center Zone District), he heard comments about the conflict between Sections 8 and 11. He questioned the Commission for clarification that a single family house would be permitted in the TC zone district except for properties adjacent to Main Street. For those properties adjacent to Main Street, only an apartment above the first floor or on the first floor in back of a business would be permitted. If that is something the Commission would like to do, he can take Sections 8 and 11 combine them into one section. This would mean that single family housing on Main Street is prohibited unless it is above the first floor or behind the business. He also wanted to make it clear that if we do not change the parking regulations of the Code, nobody will be able to do anything in the downtown area. He also wanted to clear up what a variance is. He explained the State's definition of a variance and stated that the Town cannot just grant one whenever there is a conflict with the Ordinance. By building certain provisions into a conditional use permit procedure and with appropriate findings by the Commission and Town Council, a certain amount of leeway can be granted. This, of course, would always occur at a public hearing by both bodies.

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Commissioner Bruce Armitage- He addressed the Chairman stating he would like to have a discussion whether or not to continue this meeting past this point. There were a lot of discussions that he wants to have around the issues we talked about tonight.

Commissioner Sandra Doyle- She has a question just for her own clarification. She understood that the Magma Hotel has arranged for parking inside the property? When you go down to the end of Main Street by the La Mina Bar, are all those houses considered to be in Town Center? Is there parking available for the Magma Club where those residences are? Darryl Delbridge responded that all of the surrounding land is owned by Resolution Copper.

Chairman Matt Mashaw- He would like to thank everybody for coming to this meeting. He said we have been working on this and we have gone thru dozens of Town Managers and everything gets pushed back. He appreciates the input and he would personally like to have a work session and have further input. He wants to hear other ideas.

Mr. Tomasello- He thinks the plan they are talking about is what they would like Town Center to look like in the future. He said a workshop to come up with design standards is appropriate and should be mandatory. However, that is not a part of the zone changes before the Commission tonight, it is a separate issue. As far as the Code goes, staff is recommending that the Commission proceed to clarify issues, but mainly to allow for modified parking requirements in the downtown area. The parking changes proposed are not all that different from what you'd find in many other old towns with very limited parking availability. What is proposed tonight will not make a difference in the appearance of the Town. That portion of the Code, with the exception of eliminating the requirements of the Secretary of the Interior for the TC Zone District, basically remains unchanged. As far as the Resolution before the Commission tonight, staff is recommending that the Commission approve it, as amended.

Commissioner Bruce Armitage- As he understands it we are trying to untie the hands of the residential owners to do alterations or modifications by paragraph 8.3B is that correct? Mr. Tomasello said that would be true once Sections 8 and 11 are combined. There was brief discussion regarding the residential properties in the TC Zone District.

Roy Chavez- Wanted to ask if there is any way that his application process could be expedited. Mr. Tomasello answered him saying that until the Code is changed, that would not be possible.

Commissioner Sandra Doyle- Wanted to announce that the Superior Does Heart Committee is already established. They are going to have a benefit for Florence Aldrete on February 15, 2015. Ms. Aldrete has been a member of our community for many, many years. She has always been active in our community and a very giving person. She was diagnosed with cancer and she is in intensive care. It will be at the Los Hermanos, dinner and dancing, raffles etc.

Chairman Matt Mashaw asked for a motion that the Planning and Zoning Commission adopt Resolution No. 15-01, as amended. A motion was made by Commissioner Bruce Armitage and seconded by Commissioner Sherry Figdore. Motion carries: 6 Yea's, 0 Nay's, 1 Absent.

Mr. Tomasello- Informed those present that this issue will be scheduled for the next Council Meeting on February 12, 2015. It will also be printed in the paper as a legal notice at least 15 days before the Town Council public hearing.

ADJOURNMENT

Motion to adjourn meeting by Commissioner Sandra Doyle, second by Commissioner Sherry Figdore, motion carries.

Meeting adjourned at 8:00 pm.

Matt Mashaw, Chairman

Lawrence Tomasello, Zoning Administrator,

Attest:

Margaret Gaston, Town Manager/ Clerk